



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 19

AMY E. MANDRAGOUROS
LAHIVE & COCKFIELD, LLP
28 STATE STREET
BOSTON MA 02109

COPY MAILED

MAY 19 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of:
McCarthy
Application No.: 08/842,898
Filed: April 17, 1997
Attorney Docket No. MEI-014CP
For: NOVEL CRSP-1 COMPOSITIONS AND
THERAPEUTIC AND DIAGNOSTIC USES
THEREFOR

This is a decision on the reconsideration petition under 37 CFR 1.182 filed May 10, 2004 requesting entry of an amendment to the specification to insert a reference to an earlier-filed application (namely, Application No. 08/843,704) pursuant to the provisions of 35 USC 120.

The petition under 37 CFR 1.182 is **GRANTED**.

The file record discloses that this application was co-pending with the earlier-filed Application No. 08/843,704, but became abandoned before a specific reference to the earlier-filed application was made in this application. Petitioner requests that this abandoned application be amended by inserting a reference to the above-noted, earlier-filed application.

The instant petition is accompanied by an amendment to include a reference to the prior-filed application in the first line of the specification following the title of the invention.

35 USC 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136(DC DC 1976).

In view of the above, the request for entry of an amendment to insert a reference to the above-noted, earlier-filed application is granted. A corrected filing receipt which includes the reference to prior-filed Application No. 08/843,704 accompanies this decision on petition.

A courtesy copy of this decision will be mailed to the address given on the reconsideration petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

This application is being returned to Technology Center AU 1646 for processing the amendment filed May 10, 2004.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosure: corrected filing receipt

cc: HELEN E. WENDLER
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133